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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/585,819	06/01/00	HETEREN	J 07057-043001

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EXAMINER

EDWARDS JR, T

ART UNIT

PAPER NUMBER

2635

DATE MAILED:

06/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

See Attachment

**Office Action Summary**

Application No.

09/585,819

Applicant(s)

HETEREN, JOHN GERALD VAN

Examiner

Timothy Edwards

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-63 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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### **DETAILED ACTION**

Applicant is reminded to update status of related application 08/597,724 (i.e. pending, abandon or patent number).

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-5,7-17, 41-46,49-52, are rejected under 35 U.S.C. 102(e) as being anticipated by Jenney et al.

Considering claims 1-5,7-17,41-46,49-52 Jenney discloses the limitations of these claims in col 3, line 65 to col 5, line 67, col 6, line 64 to col 7, line 7, col 8, lines 47-58, col 10, line 28 to col 12, line 41, see fig 3, item 22.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 18-40,47,48,53,54,61-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenney et al [US 5,897,607], and further in view of Schanker et al [US 5,448,230].

Considering claim 18, Jenney discloses, receiving a series of successive measurements, storing the series of successive measurements and transmitting the measurement data through an internet connection to a processing center, see col 4, lines 34-53, col 5, lines 7-23 and col 8, lines 10-14; a) except filtering the data (i.e. deleting redundant data) is not specifically recited by Jenney. However, in col 7, lines 51-62 Jenney addresses parsing the utility data. In col 3, lines 36-43. Schanker teaches the sorting, recognizing and eliminating of redundant messages. Deleting of redundant utility data is well known in the art as taught by Schanker. Therefore, it would have been obvious to one of ordinary skill in the art to use an equivalent data processing means (i.e. filtering) as taught by Schanker because Jenney addresses parsing utility data, which is the associating of data with the components that generated the data, this saves memory space, which saves on cost of the system.

Considering claim 19,20,23-27,29-40 Jenney discloses the limitation of these claims in col 4, lines 54-66, col 11, line 41 to col 12, line 22 and col 14, lines 1-14, see figs 2 and 3.

Considering claims 21 and 22, Jenney does not specifically recited triggering the e-mail at a predetermined time or after receiving a predetermined number of packets of data.

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However, in col 12, lines 32-48 Jenney addresses polling and data reporting. Jenney also, addresses the modification of the reporting system. Therefore, it would have been obvious to one of ordinary skill in the art to modify the reporting method of the Jenney system because Jenney suggest the operating parameter of the reporting system may be modified.

Considering claims 28,47 and 61, the limitations of these claims are interpreted and rejected as stated in claim 18.

Considering claim 48, Jenney discloses the limitation of this claim in col 4, lines 20-23 and col 9, lines 4-16.

Considering claim 53, the limitation of this claim is interpreted and rejected as stated in claim 18, part (a).

Considering claim 54, Jenney discloses the limitation of this claim in col 11, lines 26-40 and col 12, lines 49-58.

Considering claims 60,62,63, Jenney discloses the limitation of this claim in col 4, lines 20-23 and col 9, lines 4-16.

Claims 55-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenney et al, Schanker et al and further in view of Johnson [US 5,553,094].

Considering claims 55 and 56, Jenney does not specifically recite the detection of missing data messages. However, in col 7, lines 51-62 Jenney addresses parsing the utility data. In col 16, lines 8-12 Johnson teach a method of detecting missing data messages. Therefore, it would have been obvious to one of ordinary skill in the art to modify the data collection method to include the detection of missing data messages as taught by Johnson in the Jenney system because Jenney discloses a method of associating utility data with the component that generated the data.

Considering claims 57-59, Jenney does not specifically recite the using of time to determine measurement data. In col 15, line 58 to col 16, line 5 Johnson teaches the use of a set period of time to determine measurement data. Therefore, it would have been obvious to one of ordinary skill in the art to modify the data collection method to include the detection of missing data messages as taught by Johnson in the Jenney system because Jenney discloses a method of associating utility data with the component that generated the data.

***Allowable Subject Matter***

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

1. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (703) 305-4896. The examiner can normally be reached on Tuesday-Friday, 8:30 a.m.-4:00 p.m. The examiner can not be reached on Mondays.

If attempt to reach the examinee by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or fax to:

(703), 872-9314 (for formal communications intended for entry)

Or:

(703) 308-9051 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).



Timothy Edwards  
June 17, 2001